

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In Re Flint Water Cases,)	
)	
)	Case No.: 16-cv-10444-JEL-MKM
)	(consolidated with 16-cv-11247)
)	
)	Hon. Judith E. Levy
)	
<hr style="border: 0.5px solid black;"/>		
Washington, et al.,)	
Plaintiffs,)	
)	
v.)	
)	
City of Flint, et al.,)	
Defendants,)	

DECLARATION OF ATTORNEY MARK CUKER

Pursuant to 28 U.S.C. § 1746, I, Mark Cuker, declare as follows:

1. I am the attorney for the Individual *Chapman* plaintiffs.
2. I have personal knowledge of the matters stated in this Declaration.
3. Exhibit 9 is a true and correct copy of the emails and documents exchanged between my office and Napoli Shkolnik regarding bone scans.
4. The only availability for bone scans was on Sundays between 1 and 3:45 PM. The remaining 6 days of the week, between 11 AM and 5 PM was devoted exclusively to testing the clients of liaison counsel. Available slots quickly filled up, and many people who wanted scans could not get them. Since then, Napoli has cancelled my clients.
5. Napoli made conflicting and misleading statements to people who went for testing; the Napoli website promised “free’ bone testing, by people who went there were asked to sign a form which said it they might have to pay up to \$500. Napoli had not registered a radiation-emitting machine, as required by Michigan law, until Feb 24, 2021.

6. The class notice never disclosed how difficult it would be to get a bone lead test, and the fact that there was no legal facility for bone lead testing in the entire State of Michigan.
7. Clients of other attorneys who showed up at Napoli's office to be tested were given a form to sign which was not shown to their attorneys in advance.
8. In one paragraph it said the method by which [the cost of the test] will be paid will be subject to a determination by the court." In another it said: "If I am represented by a law firm then my attorney will pay the cost of the bone test and report before receiving a copy of the bone test."
9. Napoli told me that he wanted \$500. He told another lawyer he wanted \$350. Dr. Specht charges \$200 per hour and can review multiple tests in an hour.
10. Napoli refused to assure the confidentiality of these bone lead results, and asked that persons undergoing the test waive allow him to see their results. At the same time, he allowed no direct access to Dr. Specht—everything must go through the Napoli firm.

I declare, under penalty of perjury, that the foregoing is true and correct.

/s Mark Cuker

Mark Cuker

Executed on March 24, 2021
Dresher, Pennsylvania